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August 24, 2012

**Via Federal Express**

Michael A. Mintzer, Esq.  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866


**Re: Newtown Creek Superfund Site, Kings County and Queens County,  
New York Request for Information Pursuant to the Comprehensive  
Environmental Response, Compensation, and Liability Act, 42 U.S.C.  
§§ 9601-9675**

Dear Mike:

Enclosed please find the response to the Request for Information presented to Buckeye Partners, L.P. ("Buckeye"). We are enclosing two discs that contain the over 10,000 documents responsive to the request for the above-referenced matter. If you would like us to provide you with hard copies of the documents, please let me know. If you have any questions, please do not hesitate to contact me.

Very truly yours,

HANCOCK ESTABROOK, LLP

  
Wendy A. Marsh

WAM/lmg

Encs.

cc: Ms. Caroline Kwan (w/enc.)

**RESPONSE OF BUCKEYE PARTNERS, L.P. ("Buckeye")  
TO SECTION 104(e) REQUEST FOR INFORMATION  
RE: NEWTOWN CREEK SUPERFUND SITE  
August 24, 2012**

Buckeye upon information and belief submits the following response to the Request for Information:

**REQUEST NO. 1**

1. Company Identification: Provide the following information with respect to the Company,
  - a. The full legal, corporate name and mailing address.
  - b. The state and date of organization of the Company and the date of qualification to do business in the State of New York.
  - c. The identity of the Chief Executive Officer and the mailing address of that officer.
  - d. If the Company is a successor to any other entity, identify the original entity, the date of its organization, the date and nature (e.g., merger, stock purchase, asset purchase) of each succession and the names and states of incorporation of each entity.
  - e. Identify the principal businesses of the Company and specify which business activities are conducted at or nearby to Newtown Creek.
  - f. Identify, by name and principal business activity, each subsidiary and affiliate of the Company doing business within 1,000 feet of Newtown Creek.

**RESPONSE NO. 1**

- a. Buckeye Partners, L.P., One Greenway Plaza, Suite 600, Houston, Texas 77046
- b. Buckeye Partners, L.P. was formed in Delaware on July 11, 1986. Buckeye Partners, L.P. is not qualified to do business in New York. Buckeye Pipe Line Company, L.P. is the owner of the pipeline, and its foreign qualification with New York was filed on August 27, 1986.
- c. The Chief Executive Officer is Clark C. Smith, One Greenway Plaza, Suite 600, Houston, Texas 77046
- d. See documents attached as Exhibit 1.
- e. See Response to Request No. 4.

- f. See Response to Requests No. 4. and No. 5.

### REQUEST NO. 2

2. Corporate and Pipeline-History. Provide a summary of the corporate history of the Company, including, if known, the identity of entities which formerly owned or operated those Pipeline Facilities (see Definition 9.a) that subsequently came to be owned or operated by the Company, and identify how the Company succeeded to such ownership or operation.

### RESPONSE NO. 2

See documents attached as Exhibit 1. Also please see documents attached as Exhibit 35.

### REQUEST NO. 3

3. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

### RESPONSE NO. 3

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100 Madison Street  
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Attorney Representative

### REQUEST NO. 4

4. Describe Business Operations Conducted by the Company within 1,000 feet of Newtown Creek.
- a. State whether the Company conducts Pipeline Operations; Terminal and Storage; Natural Gas Storage; Energy Services and Development; Logistics or other business activities within the Newtown Creek area and describe the business operations conducted in that area.
- b. Identify the Company's practices in the Newtown Creek area with respect to the location of the Company's pipeline operations and specifically the extent of operations a) conducted within the waters and sediments of Newtown Creek; b) operations conducted in upland areas that are owned by the Company, or leased or otherwise subject to Company control by easement, lease, license or other; and c)

operations conducted in waters or sediments or uplands owned or controlled by customers of the Company.

- c. Identify the typical configuration of Company pipelines in the Newtown Creek area. Please depict typical pipeline configurations by cross section diagram showing dimensions, force mains, valves, associated infrastructure, pipeline construction materials, depth of location in waters or sediments, and connections to uplands whether to customers or to other Company facilities. Explain major changes in pipeline configurations over the time that the Company or its predecessors operated in the Newtown Creek area.
- d. Do the Company's pipeline operations include delivery only or does the Company have arrangements to transport materials from customer facilities. Did the Company or its predecessors previously transport materials from customer facilities?
- e. Describe the extent of pipeline services provided by the Company on upland properties owned by customers of the Company.

#### **RESPONSE NO. 4**

- a. The Company owns and operates refined products pipelines and related other facilities consisting of pipeline valves, its Apollo Junction valve manifold facility, and its Long Island City product delivery station within 1,000 feet of Newtown Creek and the five tributaries defined in this information request and referred to in the Company's responses as "Newtown Creek".

Specifically the Company's pipeline facilities within Newtown Creek consist of 11 active, six idle and two partially abandoned pipelines. The active pipelines include 15 pipeline segments that cross Newtown Creek at various locations with a total footage of approximately 45,300 feet. There are eight idle segments with a total footage of approximately 10,100 feet and two abandoned segments that total approximately 1,300 feet. These pipelines were constructed between 1965 and 1975.

The Company's pipeline facilities are shown on the map furnished in Exhibit 4.

- b. The Company owns and operates six pipelines (LY999A1, LY999A3, LY999A4, LY999A6, LY999C1 and LY999D4) that cross Newtown Creek itself. All other pipeline facilities are located outside the waters of Newtown Creek. There are no pipeline facilities owned by the Company that are controlled by customers of the Company. See documents attached as Exhibit 4.
- c. See documents attached as Exhibit 4.

- d. The Company's pipeline operations have always been for delivery only of refined products to its customers.
- e. The Company does not provide services on upland properties owned by the Company's customers.

#### **REQUEST NO. 5**

5. Pipeline Facilities. With respect to Pipeline Facilities (see Definition number 9 for definition of "Pipeline Facilities"):

- a. Provide a schedule identifying all Pipeline Facilities now or formerly owned or operated by the Company, and further specifying:
  - i. Pipeline Facilities owned and operated by the Company,
  - ii. Pipeline Facilities operated by the Company but not owned, and for such Pipeline Facilities, identify the owner and the nature of the operating agreement between the Company and the owner;
  - iii. Pipeline Facilities owned by the Company but not operated, and for such Pipeline Facilities, identify the operator and the nature of the operating agreement between the operator and the Company;
  - iv. Pipeline Facilities formerly owned or operated by the Company; and
  - v. Connections including source and destination of each segment of the Pipeline Facilities and identity of owner and operator of connecting pipelines;
  - vi. The date of initial installation of the Pipeline Facilities, the date of replacement or major reconstruction, and the name of the entity (if other than the Company) at the time of installation or replacement;
  - vii. Fabrication material (e.g., galvanized steel in concrete, etc.) for the Pipelines Facilities; and
  - viii. With respect to Pipeline Facilities formerly owned or operated by the Company please also identify the date of abandonment or transfer, the identity of the transferee and the purpose of the transfer or other circumstance which resulted in the Company ceasing to own or operate the Pipeline facility and specify the dates of ownership or operation.
- b. Provide a map, drawing and schematic depicting for all Pipeline Facilities:
  - i. the linear location in waters and uplands; and

- ii. the depth in sediments and waters of Newtown Creek by cross section.
- c. Identify real property interests (e.g., fee ownership, easement, license, right of way agreement) pursuant to which the Company derives rights to maintain its Pipeline Facilities and the identity of the owner of the real property where the Pipeline Facilities are located.
- d. Provide a copy of the deeds, easements, lights or rights of way for the Pipeline Facilities.
- e. Identify pipelines and associated infrastructure located within 1,000 feet of Newtown Creek, owned or operated by an entity other than the Company, but as to which the Company has rights to carry product.

#### **RESPONSE NO. 5**

- a.
  - i. See document attached as Exhibits 4 and 5.
  - ii. N/A
  - iii. N/A
  - iv. N/A
  - v. N/A
  - vi. See documents attached as Exhibits 4 and 8.
  - vii. Steel
  - viii. See documents attached as Exhibits 4 and 8.
- b. See documents annexed as Exhibits 4 and 8.
- c. See Response to 5.d.
- d. See documents annexed as Exhibit 5.
- e. N/A

## REQUEST NO. 6

6. Identify all materials now or formerly transported by or otherwise present in Pipeline Facilities. Provide the date range that such materials were transported in Pipeline Facilities and, where applicable, Material Safety Data Sheets for each item,
  - a. Identify whether the Pipeline Facilities transported:
    - i. Gasoline; fuel oil (specify types); diesel; kerosene, natural gas, naphtha, or naptha;
    - ii. gasoline additives, catalysts or petroleum -related chemicals including, without limitation, ethanol, lead, methyl ter-butyl ether (MTBE), ethyl tert-butyl ether (ETBE), (please specify and provide Material Safety Data Sheets); and
    - iii. pipeline additives or chemicals including anti-rust additives, anti-icing additives, dyes and other batch separators (please identify and provide Material Safety Data Sheets for each).
  - b. Identify polychlorinated biphenyls ("PCBs"), metal compounds and other chemicals present in infrastructure associated with Pipeline Facilities, whether in pumps or valves or other infrastructure; state the purpose and location in the infrastructure of the PCBs, metal compounds and other chemicals; and identify the PCB congener and specific other chemicals and provide Material Safety Data Sheets for each.
  - c. Describe the Company's procedures with respect to non-conforming, off-specification or other materials that are rejected at point of delivery.

## RESPONSE NO. 6

- a.
  - i. The Company's pipeline facilities transport multiple refined products that include various gasolines (including RBOB), diesel fuels, heating oil, jet fuel, naptha and various kerosene grades. Material Safety Data Sheets are provided in Exhibit 6.
  - ii. Gasolines transported over time have included lead and MTBE until regulatory phase out.
  - iii. Material Safety Data Sheets for drag reducing additives are provided in Exhibit 6.

- b. There are no PCBs, metal compounds and other chemicals present in the infrastructure associated with the Company facilities located in the Newtown Creek area.
- c. Product is sourced to the pipelines and facilities in the Newtown Creek area from the Company's Linden, NJ facility. All product is tested at Linden and deemed to be within specification before it is pumped to points east including the Newtown Creek area. There is no rejection of product as the pipeline barrels are delivered into customer tankage. Any off specification product if it occurred would be transported from the customer's terminal tankage through overland transport but not within the Company custody.

#### **REQUEST NO. 7**

**7. Installation, Maintenance and Repair of Pipeline Facilities.**

- a. Describe the Company's current and past procedures for i) installation, ii) maintenance and iii) repair of Pipeline Facilities located in the waters and under sediments of Newtown Creek.
- b. Provide a copy of Company manuals addressing current and past procedures for i) installation, ii) maintenance and iii) repair of Pipeline Facilities located in the waters and under sediments of Newtown Creek.

#### **RESPONSE NO. 7**

- a. The Company installs, maintains and repairs all Department of Transportation jurisdictional facilities listed in Response to Request No. 4 as per 49 CFR Part 195 of the federal regulations, Transportation of Hazardous Liquids by Pipeline. The referenced federal regulations came into effect in 1979.

Prior to 1979, the Company installed, maintained and repaired its facilities in accordance with its procedures in effect during that time period, as well as general industry practice.

- b. The available Company has manuals that address current and past procedures for installing, maintaining and repair of the Company's pipeline facilities. The 1998 and current Maintenance Manuals are attached as Exhibit 7. These manuals apply to all the Company facilities and are not specific to the Company's Newtown Creek pipeline facilities. Please also refer to document attached as Exhibit 5.

#### **REQUEST NO. 8**

- 8. Permits for Pipeline Facilities.** Identify all permits obtained by the Company for installation, maintenance and repair of the Pipeline Facilities and provide copies of such permits and applications for permits.



### RESPONSE NO. 8

Available permits and applications for permits that were obtained by the Company for the installation, maintenance and repair of its pipeline facilities within Newtown Creek are provided as Exhibit 8.

### REQUEST NO. 9

9. Identify all spills and leaks from Pipeline Facilities during the period of the Company's ownership or operation.

### RESPONSE NO. 9

Date	Release Location	NYSDEC Spill #
12/18/86	Long Island City Station	8605941
12/27/95	Long Island City Station	9512145
02/16/99	Long Island City Station	9813881
02/16/99	Long Island City Station	9813884
11/12/03	Long Island City Station	0308524
05/18/08	Valve Site 33BN	
08/17/10	Valve Site 33BN	1005512

### REQUEST NO. 10

10. Spills and Leaks Protection and Cathodic Protection. Identify for all Pipeline Facilities:
- spill and leak prevention devices;
  - spill and leak detection devices, and
  - cathodic protection devices. Identify, by date or time periods, when such devices were first installed and when major upgrades or changes were implemented.
  - provide copies of all reports produced by or for the Company relating to spill and leak protection or detection and cathodic protection.

### RESPONSE NO. 10

- The Company uses a combination of equipment and integrity assessments to help prevent releases. At its Long Island City facility, the Company has installed pipeline relief equipment and tankage to prevent a release to the environment due to a high pipeline pressure abnormal condition.

In addition, periodically the Company has performed integrity assessments on the pipelines in the Newtown Creek area. These integrity assessments were either by in-line inspection or pressure testing.

Please see documents attached as Exhibit 10.

- ii. On its 601 and 602 pipelines, the Company currently uses a computational pipeline modeling software system called LEAKWARN to continuously monitor these pipelines for possible leaks. This system utilizes information from its Supervisory Control and Data Acquisition (SCADA) system which consists of pressure transmitters that supply real-time pressure readings to the Company's Control Center.

For the pipelines that are not part of the LEAKWARN system, the Company uses a line balance system that compares metered volumes to the delivered volumes.

In addition, the Company monitors its pipeline right-of-way by conducting patrols at least 26 times per year.

- iii. Cathodic protection device information for the Newtown Creek area pipelines is provided in Exhibit 10.
- iv. Documents related to spill and leak protection or detection and cathodic protection are attached as Exhibit 10.

#### **REQUEST NO. 11**

##### **11. Civil Litigation, Administrative Enforcement and Criminal Matters:**

- a. Has the Company (see Definition 8) been a party to any litigation, claim or settlement, whether as plaintiff or defendant, where an allegation included liability for contamination of Newtown Creek or its uplands, relating to any spill or release of a hazardous substance, hazardous waste or industrial waste (including petroleum) (see Definitions 3, 4 and 5), from any Pipeline Facility or from any Other Newtown Creek Facility or any other facility (whether or not owned or operated by the Company) located within 1,000 feet of Newtown Creek? If yes, identify such litigation, claim or settlement and its disposition, briefly describe the nature of the Company's involvement in the matter and provide a copy of the pleadings, claim, settlement agreement and any final order.
- b. Has the Company been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination with respect to Newtown Creek or from or at any Pipeline Facility or any Other Newtown Creek Facility or any other facility (whether or not owned or operated by the Company) located within 1,000 feet of Newtown Creek? If yes, state the

Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.

- c. Has the Company or an employee, affiliate, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at or from any Pipeline Facility? If so, describe the disposition of such accusation and provide details on such accusation.

#### **RESPONSE NO. 11**

- a. No.
- b. Other than receiving this § 104(e) information request, see Response to Requests No. 9, No. 23, No. 25 and No. 29.
- c. No.

#### **REQUEST NO. 12**

12. Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:

- a. Describe all activities that were conducted by the Company over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, hazardous waste, industrial waste, petroleum or other waste materials, whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek and whether such activities related to Pipeline Facilities or Other Newtown Creek Properties.
- b. Has the Company, at any time, constructed or operated any facility, other than Pipeline Facilities, in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes, wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities?
- c. If the answer to subparagraph "b" of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company's authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant deeds, leases, licenses and permits.

- d. Has the Company utilized vessels in any operations on Newtown Creek and, if so, provide details.

#### **RESPONSE NO. 12**

- a. See Response to Requests No. 4 and No. 5 for the description and details of the operations conducted by the Company in the Newtown Creek area, and Response to Request No. 6 for materials handled. Information related to spills or leaks related to the Pipeline Facilities or Other Newtown Creek properties can be found in the Company's Response to Requests No. 9 and No. 25.
- b. The Company has constructed bulkheads and a cofferdam to protect the pipelines in the Newtown Creek area. See documents attached as Exhibit 12. Please also see documents attached as Exhibits 4 and 8.
- c. Please see Exhibits 4, 8 and 12. Permits related to these installations are attached as Exhibit 8, and deeds are attached as Exhibit 5.
- d. The Company has not utilized vessels in any operations on Newtown Creek.

#### **REQUEST NO. 13**

- 13. Identify each Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), including:
  - a. Nature of the Company's interest in each Other Newtown Creek Property;
  - b. Address, Borough, Block and Tax Lot Identification;
  - c. If title to the real property located at 30-21 Greenpoint Avenue, Long Island City, New York 11101 (Borough of Queens, Block 294 Lot 280) is owned by Buckeye Pipe Line Company, then please identify the relationship between the Company and Buckeye Pipeline Company.
  - d. Map or schematic locating each Other Newtown Creek Property;
  - e. Dates of acquisition and date of disposition of interest and identity of transferor and transferee (and if not the owner, identify the Company's interest in each Other Newtown Creek Property and the identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);
  - f. The principal business and each other line of business conducted by the Company at each Other Newtown Creek Property; and
  - g. Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, easements, etc.).

- h. Provide a copy of all surveys and drawings of each Other Newtown Creek Property which are in your possession showing current configurations and improvements as well as previous configurations and improvements, and depicting:
  - i. sanitary sewer system, showing location and configuration both as currently configured and previous configurations;
  - ii. storm water sewer system showing location and configuration both as currently configured and previous configurations;
  - iii. all below-ground structures both as presently configured and as previously configured;
  - iv. all above-ground structures both as presently configured and as previously configured;
- i. Provide a copy of all reports, information and data available to the Company and related to:
  - i. groundwater wells, including drilling logs;
  - ii. all other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith;
  - iii. soil and water (ground and surface) quality and geology/hydrogeology at and about each Other Newtown Creek Property; and
  - iv. storm water, sheet flow, or surface water runoff drainage studies.

### RESPONSE NO. 13

13. Other Newtown Creek Property includes:

- a. See Exhibit 5.
- b. Address: 30-25 Greenpoint Ave., Long Island City, New York,  
Tax Lot 335, Tax Block 294 Queens
- c. See Exhibit 35.
- d. See Exhibit 4.
- e. See Exhibit 5.
- f. See Response to Request No. 4.

- g. See Exhibit 5.
- h. See Exhibits 4, 8 and 10.
- i. See Exhibits 28 and 30.

#### **REQUEST NO. 14**

14. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on each Other Newtown Creek Property.

#### **RESPONSE NO. 14**

The Company has not historically and does not currently have any solid waste management units or areas where materials are or were in the past managed, treated, or disposed of.

#### **REQUEST NO. 15**

15. Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from each Other Newtown Creek Property:
- a. the location and nature of each sanitary or storm sewer line, drain, or ditch;
  - b. the date of construction of each sanitary or storm sewer line, drain, or ditch;
  - c. whether each sanitary or storm sewer line, drain, or ditch drained any hazardous substance, hazardous waste or industrial waste to Newtown Creek; and
  - d. provide a copy of all documentation available to the Company regarding any and all outfalls to Newtown Creek which are located within the boundaries of each Other Newtown Creek Property.

#### **RESPONSE NO. 15**

- a. See Exhibit 4.
- b. See Exhibit 4.
- c. No.
- d. See Exhibit 24.

## REQUEST NO. 16

### 16. Connections to New York City sewer system:

- a. State whether each Other Newtown Creek Property is connected to the New York City sewer and the date that each Other Newtown Creek Property was first connected;
- b. State whether each Other Newtown Creek Property has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;
- c. State whether each Other Newtown Creek Property participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, and whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;
- d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;
- e. Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;
- f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;
- g. Copies of any Baseline Monitoring Reports submitted to New York City in connection with the Company's application for an industrial wastewater discharge permit;
- h. Copies of all surveys, reports or analyses delineating or characterizing the Company's liquid wastes;
- i. Copies of all periodic monitoring reports for wastes discharged through the sewer system; and
- j. Copies of all invoices from New York City or the New York City Water Board for water and/or wastewater charges including any wastewater allowances.

## RESPONSE NO. 16

- a. There is no Other Newtown Creek Property that is connected to the New York City sewer system.

- b. N/A
- c. N/A
- d. N/A
- e. N/A
- f. N/A
- g. N/A
- h. N/A
- i. N/A
- j. N/A

**REQUEST NO. 17**

17. Has the Company ever stored or combusted coal at any of the Other Newtown Creek Properties? If your answer is yes, please identify the property and respond to the following requests for information for all periods of time that the Company operated at or owned each Other Newtown Creek Property:
- a. Identify the Purposes for such coal storage or combustion, including if used in energy production and the processes in which the energy was used at each Other Newtown Creek Property;
  - b. State the means by which the shipments of coal were delivered to each Other Newtown Creek Property, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at each Other Newtown Creek Property and transported to storage facilities;
  - c. Identify the volume of coal received at each Other Newtown Creek Property, the type or types of coal (i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes overtime;
  - d. Describe the means of storage of coal at each Other Newtown Creek Property, including whether each Other Newtown Creek Property employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe the means of transport of the coal from the storage facilities to the combustion point;



- e. Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at each Other Newtown Creek Property, whether as fill or for any other purpose, or if it was in any other manner disposed of at each Other Newtown Creek Property and, if so, describe the circumstances and identify the areas of disposal on a Facility map;
- f. State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and
- g. State whether there were any permits associated with the coal receipt, storage or consumption or ash management and, if so, provide a copy of such permits.

#### **RESPONSE NO. 17**

The Company has never stored or combusted coal at any of its pipeline facilities located within the Newtown Creek area.

- a. N/A
- b. N/A
- c. N/A
- d. N/A
- e. N/A
- f. N/A
- g. N/A

#### **REQUEST NO. 18**

##### **18. Metals and PCBs at Other Newtown Creek Facilities.**

- a. For Metals and Metal Compounds. Identify all metals and metal compounds previously or currently used or otherwise present at each Other Newtown Creek Property; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at each Other Newtown Creek Property. Identify all spills, emissions, discharges and releases of any such substances at or from each Other Newtown Creek Property

since the time that your Company owned or operated each Other Newtown Creek Property. Please provide any MSDSs for each such substance.

- b. For polychlorinated biphenyls ("PCBs"): identify any PCBs previously or currently used or otherwise present at each Other Newtown Creek Property, including, but not limited to (i) PCBs in plasticizers, fire retardants, paints, water-proofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts; identify the purpose for each of them, any PCB testing done on such materials, and the method and location of use, storage and other handling of PCBs at each Other Newtown Creek Property; and identify all spills, emissions, discharges and releases of any PCBs at or from each Other Newtown Creek Property since the time that your Company has owned each Other Newtown Creek Property. Please provide any MSDSs for PCBs at each Other Newtown Creek Property.

#### **RESPONSE NO. 18**

There are no PCBs, metal compounds and other chemicals present in the infrastructure associated with the Company facilities located in the Newtown Creek area.

- a. N/A
- b. N/A

#### **REQUEST NO. 19**

- 19. Identify all pipelines and pipeline infrastructure serving or located on each Other Newtown Creek Property during the Company's ownership or operation. For each pipeline, please:
  - a. identify the owner and the operator of the pipeline and pipeline infrastructure relating to each Other Newtown Creek Property.
  - b. provide a copy of all permits maintained by the Company relating to the pipeline and pipeline infrastructure on each Other Newtown Creek Property and the date of installation;
  - c. provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.

### **RESPONSE NO. 19**

See Response to Request No. 4 for all the Company pipeline facilities that lie within the Newtown Creek area.

- a. For ownership documentation see Exhibit 5.
- b. See Exhibit 8.
- c. See Exhibit 7 for maintenance manuals for the pipeline facilities.

### **REQUEST NO. 20**

20. Oil-Water Separators. Identify all oil/water separators operated by the Company that discharge directly or indirectly to Newtown Creek including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, and location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.

### **RESPONSE NO. 20**

The Company does not own or operate an oil/water separator associated with the Newtown Creek pipeline facilities.

### **REQUEST NO. 21**

21. Environmental Investigations Relating to Public Offering and to Acquisition of General Partner. Were any i) environmental investigations undertaken; ii) environmental disclosures provided or iii) environmental indemnities extended:
- a. at the time of or in connection with the public offering of the limited partnership interests in Buckeye Partners, LP in or around May 1993; or
  - b. at the time of or in connection with the sale of Buckeye Management Company to managers of Buckeye Partners LP in or around March 1996. If the answer is yes, please provide copies of all environmental investigation reports, environmental disclosures and environmental indemnities.

### **RESPONSE NO. 21**

- a. No.
- b. See document attached as Exhibit 21.

## **REQUEST NO. 22**

22. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation of the Pipeline Facilities and each Other Newtown Creek Property, the activity regulated and the applicable federal, state and local statute or regulation from which such regulation was derived.

## **RESPONSE NO. 22**

The following are the federal, state and local authorities that regulate or regulated environmental concerns related to the Company facilities located in the Newtown Creek area:

New York State Department of Environmental Conservation: Discharge of treated groundwater from recovery wells as permitted under the State Pollutant Discharge Elimination System (SPDES). This SPDES permit is in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and the Clean Water Act, as amended, (33 U.S.C §1251 et.seq.).

United States Environmental Protection Agency: Disposal of hazardous and non-hazardous waste under the Resources Conservation and Recovery Act (both EPA ID Numbers are listed as inactive).

New York State Department of Health: Registration of Radiation Equipment for Non-Human Use as required by Title 10 of the NYCRR. This registration is for a Sulfur Analyzer that is used for product specification testing.

U. S. Department of Transportation: Emergency Response Plan as per the requirements of 49 Code of Federal Regulations Title 194.

## **REQUEST NO. 23**

23. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Pipeline Facilities and Other Newtown Creek Property related to environmental concerns. Provide copies of all documents associated with each occurrence described.

## **RESPONSE NO. 23**

- FDNY Violations D141507, D141508, D141509, D141510, D141511, 143484, D141509, D141511, D226646, D226648, D226647, D226649 and D29543
- March 2, 1987 - United States Coast Guard Notice of Violation for discharge of a sheen of gasoline into the waters of Newtown Creek on December 18, 1986.

- August 18, 2009 – NYSDEC Notice of Violation for failure to submit a complete Discharge Monitoring Report for the month of 06/2010 for SPDES Permit #NY0200441.
- August 6, 2010 – Exceedance of the permit limits for ethylbenzene, toluene, and total xylenes on SPDES Permit #NY0200441.
- August 17, 2010 – United States Coast Guard Notice of Violation for oil discharge into Newtown Creek.
- January 18, 2011 – NYSDEC Notice of Violation for failure to submit a complete Discharge Monitoring Report for the period ending 11/30/2010 for SPDES Permit #NY0200441.

Documents associated with this response are attached as Exhibit 23.

#### **REQUEST NO. 24**

24. Provide a list of all local, state and federal environmental permits which have been applied for or issued to the Company with respect to the Pipeline Facilities and each Other Newtown Creek Property for any media, e.g., water (including State Pollutant Discharge Elimination System and National Pollutant Discharge Elimination System, New York City sewer, Industrial Pretreatment Program or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, etc. under any environmental statute or regulation. Provide a copy of each federal or state permit and the applications for each permit.

#### **RESPONSE NO. 24**

The following is a list of state and federal environmental permits which have been applied for or issued to the Company with respect to the Newtown Creek pipeline facilities:

- State Pollutant Discharge Elimination System – NY0200441
- EPA Waste Generator ID – NYD982189334 (listed as inactive in EPA databases)
- EPA Waste Generator ID – NYR000053306 (listed as inactive in EPA databases)
- X-Ray Equipment Registration – No. 14812

Related documents are attached as Exhibit 24. Copies of other permit applications in the Company's possession are attached as Exhibit 8.

#### **REQUEST NO. 25**

25. Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to or made a report to the New York State Department of

Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving each Other Newtown Creek Property or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and New York State Department of Environmental Conservation, New York City Department of Environmental Protection, New York State Department of Health, New York City Department of Health and Mental Hygiene, or any other state or city agency.

#### **RESPONSE NO. 25**

- December 18, 1986 – NYSDEC notification via telephone of a release of petroleum from the bulkhead onto Newtown Creek at the Company's Long Island City Station. NYSDEC Spill #8605941 was assigned to the release.
- December 27, 1995 – NYSDEC notification via telephone of a release of petroleum to the soil in the vicinity of the manifold at the Company's Long Island City Station. NYSDEC Spill #9512145 was assigned to the release.
- February 16, 1999 – NYSDEC notification via telephone of a release of petroleum from the scraper trap at the Company's Long Island City Station. NYSDEC Spill #9813881 and #9813884 were assigned to the release.
- November 12, 2003 - NYSDEC notification via telephone of a release of gasoline at the Company's Long Island City Station. NYSDEC Spill #0308524 was assigned to the release.
- May 18, 2008 – New York City Fire Department notification via telephone of a release of petroleum from a plug in the valve at the Company's Valve Site 33BN.
- August 17, 2010 – NYSDEC notification via telephone of a release of petroleum from a cracked weld at the Company's Valve Site 33BN. NYSDEC Spill #1005512 was assigned to the release.

See Exhibit 23 for documents.

#### **REQUEST NO. 26**

26. Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants, or contaminants, industrial waste or petroleum that have occurred at or from each Other Newtown Creek Property. In addition, identify and provide copies of any documents regarding:
- a. the date of each releases;

- b. how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and were addressed or treated;
- c. the identity of the material released and the amount of each released;
- d. where such releases occurred; and
- e. activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release.

#### **RESPONSE NO. 26**

See Responses to Requests No. 9, No. 23, and No. 25.

#### **REQUEST NO. 27**

27. Has any contaminated soil ever been excavated or removed from any Other Newtown Creek Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. Identification by address of the property;
  - b. reason for soil excavation;
  - c. location of excavation presented on a map or aerial photograph;
  - d. manner and place of disposal and/or storage of excavated soil;
  - e. dates of soil excavation and amount of soil excavated;
  - f. all reports and analyses of the soil that was removed from each Other Newtown Creek Property; and
  - g. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area.

#### **RESPONSE NO. 27**

See documents attached as Exhibit 27.

### REQUEST NO. 28

28. Have you treated, pumped, or taken any kind of response action on groundwater under any Other Newtown Creek Property? If your answer is "yes", identify and provide copies of any documents regarding:
- a. Identification by address of the property
  - b. the reason for groundwater action;
  - c. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;
  - d. all reports and analyses of the groundwater action; and
  - e. if the groundwater action has been completed, the basis for ending the groundwater action.

### RESPONSE NO. 28

- a. **Property Address:**  
Buckeye Pipe Line Company, L.P.  
Long Island City Station  
30-25 Greenpoint Avenue  
Long Island City, New York 11101
- b. Groundwater actions have been undertaken for recovery of light non-aqueous phase liquids (LNAPL) and groundwater exhibiting concentrations of petroleum constituents in response to NYSDEC Spill #s 8605941, 9512145, 9813881, 9813884, and 0308524.
- c. See Response to Request No. 28b.
- d. See documents attached as Exhibit 28.
- e. Groundwater sampling is ongoing.

### REQUEST NO. 29

29. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If your answer is "yes", identify and provide copies of any documents regarding:



- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
- b. the dates of each such occurrence;
- c. the amount and location of such release;
- d. whether sheens were created on Newtown Creek by the release; and
- e. whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

#### **RESPONSE NO. 29**

Yes. See Response to Requests No. 9, and Exhibit 23.

#### **REQUEST NO. 30**

30. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality relating to any of the Pipeline Facilities or Other Newtown Creek Property. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.

#### **RESPONSE NO. 30**

The following summarizes investigation activities have occurred at the Company's Long Island City Station:

- February 1987 – Seven (7) groundwater monitoring wells (MW-1 through MW-7) were installed as part of site assessment activities conducted to investigate a reported release.
- May 1987 – Recovery well RW-1 was installed to extract and treat total fluids.
- February 1999 - Monitoring wells MW-8 and MW-9 were installed to monitor the groundwater quality on the eastern portion of the property.
- June 7, 1999 - Monitoring well MW-10 was installed in response to the observation of LNAPL observed in MW-8.
- July 15, 2004 - Monitoring wells MW-11 and MW-12 were installed. Monitoring well MW-3R was installed to replace dry monitoring well MW-3.

- August 19, 2004 - Slug tests were performed on monitoring wells MW-4, MW-9, MW-10, and MW-11.
- March of 2005 - Remedial Action Plan (RAP) was prepared by EMS Environmental, Inc.

Documents associated with this response are attached as Exhibit 30.

#### **REQUEST NO. 31**

31. Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking with respect to any of the Pipeline Facilities or Other Newtown Creek Property, either voluntarily or as required by litigation or any other party or state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on each Other Newtown Creek Property.

#### **RESPONSE NO. 31**

See Exhibits 23, 28 and 30.

#### **REQUEST NO. 32**

32. Provide a copy of all environmental investigation reports of each Pipeline Facility and Other Newtown Creek Property including investigations undertaken at the times of acquisition and transfers of each Other Newtown Creek Property by the Company.

#### **RESPONSE NO. 32**

See Exhibits 28 and 30.

#### **REQUEST NO. 33**

33. Persons and Source Materials Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all source materials that the Company reviewed in responding to this request, including, but not limited to:
  - a. the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and
  - b. a description and the location of where all source materials reviewed are currently located, and the questions to which such source materials relate.

### **RESPONSE NO. 33**

See chart attached as Exhibit 33.

### **REQUEST NO. 34**

34. Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.

### **RESPONSE NO. 34**

See documents attached as Exhibit 34.

### **REQUEST NO. 35**

35. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.

### **RESPONSE NO. 35**

See documents attached as Exhibit 35.

### **REQUEST NO. 36**

36. Insurance and Indemnification:
- a. Provide a schedule of liability insurance policies that provided environmental liability coverage for the Company with respect to the Pipeline Facilities and Other Newtown Creek Property;
  - b. Has the Company made claims under any policy in connection with environmental liability? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;
  - c. Identify each entity that may have a duty to indemnify the Company for any potential environmental liability in connection with the Pipeline Facilities and Other Newtown Creek Property; identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and

- d. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with each Other Newtown Creek Property or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify by the Company.

**RESPONSE NO. 36**

- a. See chart attached as Exhibit 36.
- b. No. The Company has placed carrier Ironshore Specialty Insurance Company on notice of this 104(e) request but has not filed a claim. See document attached as Exhibit 36.
- c. None are known at this time.
- d. None are known at this time.

*The Company reserves the right to amend this response.*

**EXHIBITS TO RESPONSE OF BUCKEYE PARTNERS, L.P. ("Buckeye")**  
**August 24, 2012**

<b>EXHIBIT/QUESTION NUMBER</b>	<b>BATES RANGE</b>
1	EPA 00001-00004
4	EPA 00005-00077
5	EPA 00078-00355
6	EPA 00356-00458
7	EPA 09960-10896
8	EPA 00459-00740
10	EPA 00741-06704 EPA 10897-10915
12	EPA 06705-06723
21	EPA 06724-06726
23	EPA 06727-06818
24	EPA 06819-06826
27	EPA 06827-06869
28	EPA 06870-08885
30	EPA 08886-09420
33	EPA 09421-09433
34	EPA 09434
35	EPA 09435-09959
36	EPA 10916-10917

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION  
NEWTOWN CREEK SUPERFUND SITE

State of Pennsylvania:

County of Lehigh:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

Jeffrey J. Mattis

NAME (print or type)

Senior Director Field Operations

TITLE (print or type)

Buckeye Partners, L.P.

COMPANY NAME

  
SIGNATURE

Sworn to before me this 20<sup>th</sup> day of Aug., 2012

  
Notary Public

My commission expires: 8-4-2013

[STAMP OR SEAL]

